

**PLANNING DEPARTMENT
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OFFICIAL NOTICE OF DECISION

May 15, 2025

Claudette & Jose Leopoldo Romero
1224 12th Street NW
Albuquerque, NM 87104

Plan # ZMA-2025-00002
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Jose Leopoldo Romero and Claudette Romero request a Zoning Map Amendment - EPC, from R1-A to RM-H, for all or a portion of Tract A Plat of Tracts A & B, Lands of Thomas Duran, located at 1224 12TH ST NW between 12th Street and Bellamah Avenue, approximately 0.6 acres. (J-13-Z)

Staff Planners: Dennis Felipe, Jr. and Daniel Soriano

On May 15, 2025, the Environmental Planning Commission (EPC) voted to **APPROVE** Plan # ZMA-2025-00002, a Zoning Map Amendment (Zone Change), based on the following Findings.

FINDINGS – ZMA-2025-00002, a Zoning Map Amendment (Zone Change):

1. The request is for a Zoning Map Amendment from R-1A (Residential – Single-Family) to R-MH (Residential – Multi-Family High Density), for an approximately 0.5-acre site, legally described as all or a portion of Tract A, Plat of Tracts A and B, Lands of Thomas Duran, located at 1224 12th St. NW (the “subject site”).
2. The subject site is developed with a single-family dwelling unit and casita (dwelling unit, accessory).
3. A zoning map amendment application requested a change from R-1B to MX-T, which was deferred on April 17, 2024. Prior to the hearing, staff determined that the subject site is in the Sawmill/Wells Park Character Protection Overlay (CPO) Zone that regulates lot size limiting MX-T lots to 10,000 SF. The lot size is greater than 10,000 SF. EPC voted to approve a 30-day deferral to the May 15th, 2025 EPC hearing to allow the applicant time to change their zoning map amendment request to a different zone district.
4. Context: The subject site is in a developed area in central Albuquerque on approximately 0.5-acre site at the corner of 12th St. NW and Bellamah Ave. NW. Single-family dwellings zoned R-1A abut the subject site to the south and east. A bed and breakfast zoned MX-T abuts the subject site on the northeast. North of Bellamah Ave. NE is light manufacturing on a property zoned NR-LM. The subject site is within the Sawmill/Wells Park Character Protection Overlay (CPO) zone and is within the boundary of the Central ABQ Community Planning Area.

5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within an Area of Consistency and the Central ABQ Community Planning Area (CPA) as designated by the Comprehensive Plan.
7. The subject site is located within the boundaries of the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12). Per IDO§14-16-3-4(A), the purpose of the CPO is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones.
8. The request clearly facilitates the implementation of the following applicable Goals and Policies related to Character, Distinct Communities, Neighborhoods, Process and Community Engagement from Comprehensive Plan Chapter 4: Community Identity.
 - A. GOAL 4.1 CHARACTER: The applicant has proposed this request to change the zone from R-1 to R-MH in an effort to invite others to the subject site through a variety of land uses and amenities that would become permissive in the R-MH zone. Should this request be approved, future projects on the site may focus on the history of the structure and the Wells Park/Sawmill community. While the R-MH zone would be a spot-zone, it would enhance and protect the surrounding area as the land uses that would become permissive are similar in intensity to the residential portion of the community and would not introduce new harmful uses to the area.
 - B. SUB-POLICY 4.1.2(a): The subject site is within the boundaries of the historic Sawmill/Wells Park community. This area is characterized by a unique variety of land uses that coexist in close proximity. The zone change to R-MH would maintain and preserve these qualities, providing land uses that would act as a transition for the residential uses to the south. A planned future project on the subject site is to utilize various land uses, offer services that will bring people to the site and create opportunities to showcase the history of the lot, further preserving and celebrating the history of the site and surrounding Sawmill/Wells Park area.
 - C. POLICY 4.1.4 NEIGHBORHOODS: The subject site was built, and has been a part of the Sawmill/Wells Park community since approximately 1897. In requesting a zone change from R-1A to R-MH, while creating a spot-zone, the subject site will remain in the residential zone district category, while allowing a variety of moderately intense residential uses and light commercial uses, serving as a transition for the single-family dwellings to the south. The owner/applicant hopes that the services they will be able to provide through the R-MH zone will enhance the area by inviting visitors to explore, shop and play in the Sawmill/Wells Park community, enhancing, protecting and preserving the historic area.
 - D. GOAL 4.2 PROCESS: The owner/applicant of this request has submitted documentation of their attendance at the Sawmill/Wells Park Neighborhood Association monthly meeting on February 11, 2025. The project was reviewed during this meeting and the board voted unanimously to support this request. The documentation reflects a willingness of the applicant to engage with members of the community in order to discuss and identify the needs and address objections they may have received on the zone map amendment.
 - E. POLICY 4.2.2 COMMUNITY ENGAGEMENT: The applicant has provided documentation reflecting the willingness to hold meaningful, respectful interactions with the surrounding

community to respond to any concerns from neighbors. The Wells Park Neighborhood Association provided a letter for this request, explaining that the applicant attended and discussed the project at a monthly meeting in February of 2025, which ultimately led to unanimous approval to support by the board.

9. The request clearly facilitates the implementation of the following applicable Goals and Policies related to Land Uses, City Development Areas and Area of Consistency from Comprehensive Plan Chapter 5: Land Uses.
 - A. **GOAL 5.2 COMPLETE COMMUNITIES:** The request to amend the zoning on the subject site from R-1A to R-MH is intended to introduce new uses to the lot, providing the owner more flexibility in creating ways to celebrate the history of the property by offering various services. In changing the zone to R-MH, the applicant is continuing the unique characteristics of the Sawmill/Wells Park character protection overlay which features residential and industrial uses in close proximity. Proposed development is not associated with this request, should the zone change be approved, the applicant intends to offer various services through the permissive uses granted in the R-MH zone district. Future plans are focused on welcoming visitors to learn and celebrate the history and culture of the subject site and surrounding area, promoting a community where residents and visitors can live, work, learn, shop and play together.
 - B. **POLICY 5.2.1 LAND USES:** The zone change is the first step in facilitating potential future projects that would bring new uses to the historic property. The site is currently a single-family dwelling, which the owner/applicant intends to keep, while incorporating permissive uses in the R-MH zone into the existing structure. It is the intention of the application to allow visitors to learn about the history of the site and explore the surrounding community. This zone change will continue the trend of the surrounding area with a mix of uses and services that will be accessible to visitors both near and far.
 - C. **GOAL 5.6 CITY DEVELOPMENT AREAS:** The subject site is in an Area of Consistency as designated in the Comprehensive Plan. A zone change to R-MH, while creating a spot zone, will reinforce the character and varying use intensity of the surrounding area. In looking at the area directly surrounding the subject site, the uses vary in intensity and category, from high intense industrial warehousing to moderately intense office and bed and breakfast and finally, low intensity residential uses to the south. In modifying the zone of the subject site, it will reinforce the character of the surrounding area by allowing various land uses that are existing, and similar in intensity to abutting properties zoned MX-T and R-1A.
 - D. **POLICY 5.6.3 AREA OF CONSISTENCY:** The subject site is in an area outside of Centers and Corridors, parks, and Major Public Open Space. It serves as a buffer for the low intensity residential uses to the south and the traffic along Bellamah, as well as the industrial warehousing and manufacturing across the street. Should the request be approved, the newly permissive uses in the R-MH zone would maintain this buffer without increasing land use intensity that already exists on surrounding parcels. While the R-MH zone itself does not exist in the community, the permissive land uses are already established within the Wells Park/Sawmill neighborhood, and would maintain, protect and enhance the character of the existing single-family neighborhoods.
10. The request clearly facilitates the implementation of the following applicable Goals and Policies related to Land Uses, City Development Areas and Area of Consistency from Comprehensive Plan Chapter 11: Heritage Conservation.

- A. **GOAL 11.2 HISTORIC ASSETS:** The owner/applicant seeks approval to amend the zoning of the subject site in an effort to facilitate future projects with uses permissive in the R-MH zone with a goal to preserve and enhance the historic building on the lot. However, this request is to solely focus on the zone change to R-MH, there is no site plan, nor included documentation that provides details on the enhancement and preservation of the structure.
- B. **POLICY 11.2.2 HISTORIC REGISTRATION:** The overall intention behind this request is to promote the history of the subject site and solidify preservation efforts by inviting the public to the site and offer services that are permissive in the R-MH zone. While the applicant has provided documentation that reflects historical importance, as of this writing, the site is not registered on a local, State or National historic registration. The owner has reached out to the City of Albuquerque Historic Preservation team to discuss historic designation.
- C. **SUB-POLICY 11.2.2(a):** The structures on the subject site, while having undergone through changes throughout time, is considered a historic property, despite not appearing on the state or national registry. The future goals of this request is to bring more visitors to the property by having a variety of uses available for the public, such as a bed and breakfast, office and art gallery. In bringing more attention to the property, the applicants' goals are to avoid the structures falling into disrepair, strengthening preservation and maintenance of the property through the expanded uses which will focus on history of the property.
11. Pursuant to §14-16-6-7(G)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria."
- 6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.
- The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by applicant's policy-based response furthering (and not being in conflict with) a preponderance of applicable Goals and Policies regarding in the ABC Comp Plan, as amended, and other applicable plans adopted by the City as shown in the sections above. The response to Criterion A is sufficient.*
- Applicable Citations: Goal 4.1 Character; Policy 4.1.1 Distinct Communities; Policy 4.1.4 Neighborhoods; Goal 4.2 Process; Policy 4.2.2 Community Engagement; Goal 5.2 Complete Communities; Policy 5.2.1 Land Uses; Goal 5.6 City Development Areas; Policy 5.6.3 Area of Consistency; Goal 11.2 Historic Assets; Policy 11.2.2 Historic Registration.*
- 6-7(G)(3)(b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject site is entirely located in an Area of Consistency, where significant growth is typically undesirable and where any new development or redevelopment must be consistent with the established character of the surrounding context.

The applicant asserts that the existing zoning is inappropriate and meets Criterion 3 due to the subject sites current land uses and because the Bed & Breakfast will be conditional in the R-MH zone district. The change is more advantageous to the surrounding community because the applicant does not intend to significantly grow, but the redevelopment for the bed & breakfast, and home office to showcase art will use the existing building on the subject site. That is already and will continue to be consistent with the established character of the surrounding context.

- 6-7(G)(3)(c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The subject site is completely located in an Area of Consistency, as designated by the Comp Plan.

- 6-7(G)(3)(d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The subject site is surrounded by NR-LM, R-1A, and MX-T lots. The applicant states that's the sizes of the subject property, as well as any objection received from the community and residents, would limit certain development.

Per the IDO Table 4-2-1, drainage facility and other major utility are potentially harmful as there are no use-specific standards and are permissive to R-MH.

Other uses discussed below are potentially harmful with a combination of site-specific standards, additional approval, or other regulations to mitigate harm.

Electric utility, electric storage system (EES) are also potentially harmful and have a use-specific standard with no restriction and are all permissive.

Electric utility and solar energy are permissive with site-specific standards. Specifically, solar energy generation, per IDO§14-16-4-3-(E)(11)(a), this use is allowed pursuant to Section 47-3-4 NMSA 1978. Other State and federal rules may apply. Additionally, per IDO§14-16-4-3-(E)(11)(b), if this use is located on the same premises as an electric utility use, the premises must meet all use-specific Standards in this Subsection 14-16-4-3(E)(11) and in Subsection 14-16-4-3(E)(8) (Electric Utility). Per IDO§14-16-4-3(E)(8)(e) Electric utility and Utility-scale electric generation facilities, as defined in the Facility Plan for Electric System Transmission and Generation, are largescale industrial developments and are only allowed in the NR-GM zone district, unless specified otherwise in this IDO.

Wireless Telecommunications Facility (WTF) are permissive accessory with site-specific standard regulating to mitigate any potential harm. Per IDO§14-16-4-3(E)(13)(e)(1)(a) Setbacks and Separation: Freestanding WTFs are prohibited in the following locations: Within 100 feet of any property line of any Residential zone district. Paid parking lot and parking structure are potentially harmful and permissive accessory with use-specific standards. Per IDO§14-16-4-(D)(22)(a) This use must comply with all standards in Section 14-16-5-5 (Parking and Loading).

Animal keeping is a permissive accessory with use-specific standards.

- 6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 2. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 3. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

The subject site is served by existing infrastructure and public improvements, and the request meets the requirement by ensuring that they will have adequate capacity. The site is developed with a residence and home office, which will continue to utilize existing infrastructure that serves the site.

- 6-7(G)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The applicant's justification for the zone change is to give the senior owners of the subject property the ability to make decisions about their future and assure them that the historic family property can be repurposed and saved from deterioration or demolition.

The subject site is not located on a major street and is not the applicant's justification for the zone change.

- 6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Economic considerations are not a factor, but the applicant's justification is not completely or predominantly based upon them, nor is the justification based completely or predominantly upon the cost of land. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

- 6-7(G)(3)(h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The request to R-MH would create a spot zone. The applicant has demonstrated that criterion 1 applies and the request would clearly facilitate the implementation of a preponderance of applicable goals and policies of the Comprehensive Plan. The applicant has also identified all allowable uses under the R-MH zone district. The subject site is surrounded by residential – single-family (R-1A), mixed-use – transition (MX-T), and non-residential – light manufacturing (NR-LM) zone districts. Uses are primarily residential, business, and industrial. This allows for the subject site to be a transition of intensities from the southern residential to the northern NR-LM zone districts. Staff generally agrees with the applicant's justification to create a spot zone.

12. The applicant provided notice to all eligible Neighborhood Association (NA) representatives—including North Valley Coalition, Sawmill Area NA, and Wells Park NA. Property owners within 100 feet of the subject site were notified as required (IDO §14-16-6-4(J)).
13. The applicants attended the Wells Park Neighborhood Association Board of Association Meeting on February 11, 2025, that voted to unanimously support the original zone change request from R-MH to MX-T. No additional meetings have been requested for this deferral.
14. The subject site is not within the areas that trigger a Pre-submittal Tribal Meeting pursuant to IDO§14-16-6-4(B).
15. Public comment was submitted to staff in support of the zone change from the neighboring bed and breakfast. Staff is unaware of opposition at the time of this writing.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **June 2, 2025**. The date of the EPC's decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,



for Alan Varela
Planning Director

AV/ MJ/DS/DFJ

cc: Claudette & Jose Romero, Applicant & Owner, nmvictorianadobe@gmail.com
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